

Message

From: Kraft, Andrew [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4A94A4F199B247778ABB02285A51B927-KRAFT, ANDREW]
Sent: 9/26/2018 12:33:34 PM
To: Subramaniam, Ravi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e738f9d27062486e9047184b867fd968-Subramaniam, Ravi]; Ramasamy, Santhini [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f078b65256de4c22a8ec9d9f9720715f-SRAMASAM]; Makris, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7654051d8d1240a39dfa9463c9b0b7e5-Makris, Susan]; Vulimiri, Suryanarayana [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1a4f972302434ec6a04b015b14845a9d-Vulimiri, Suryanarayana]; Bateson, Thomas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=29bfdde020bf4e93b431b9a72d9d230f-Bateson, Thomas]
CC: Glenn, Barbara [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7a2dc9210d2d4d02a623b33f87f49436-Glenn, Barbara]
Subject: FW: PEER sues EPA for release of formaldehyde IRIS documents | InsideEPA.com

FYI.

From: Bahadori, Tina
Sent: Wednesday, September 26, 2018 8:26 AM
To: Ross, Mary <Ross.Mary@epa.gov>; Jones, Samantha <Jones.Samantha@epa.gov>; Lavoie, Emma <Lavoie.Emma@epa.gov>; Thayer, Kris <thayer.kris@epa.gov>; Avery, James <Avery.James@epa.gov>; Kraft, Andrew <Kraft.Andrew@epa.gov>; Glenn, Barbara <Glenn.Barbara@epa.gov>; Soto, Vicki <Soto.Vicki@epa.gov>; Shams, Dahnish <Shams.Dahnish@epa.gov>; Champlin, Anna <Champlin.Anna@epa.gov>; Bussard, David <Bussard.David@epa.gov>; Vandenberg, John <Vandenberg.John@epa.gov>
Subject: PEER sues EPA for release of formaldehyde IRIS documents | InsideEPA.com

<https://insideepa.com/daily-feed/peer-sues-epa-release-formaldehyde-iris-documents>

PEER sues EPA for release of formaldehyde IRIS documents

A government watchdog group is suing EPA over its failure to turn over documents that could explain the agency's delay in releasing a long-promised draft assessment of the human health risks of exposure to formaldehyde, which former Administrator Scott Pruitt said was completed a year ago.

Public Employees for Environmental Responsibility (PEER), a group that represents EPA and other personnel, sued the agency in federal court in Washington, DC, charging that it is violating the Freedom of Information Act (FOIA) because it has not responded to a request filed last July.

PEER says that EPA failed to meet the statutory deadline to respond to the request, and “has yet to produce any of this material.”

PEER's FOIA request sought any drafts of EPA's Integrated Risk Information System (IRIS) formaldehyde assessment prepared since 2015; any communications between former Administrator Scott Pruitt or acting Administrator Andrew Wheeler regarding the assessment; any records related to a meeting last January between officials of the American Chemistry Council's Formaldehyde Panel and EPA; any communications regarding the assessment between ACC's panel leader regarding the assessment and any "recommendations or requests to EPA from non-EPA employees or contractors about the release or delay of" the IRIS assessment since 2017.

EPA has so far failed to release its draft formaldehyde assessment despite a pledge in EPA's report to Congress last January on the IRIS program that the draft would be released by the end of the fiscal year on Sept. 30.

Last May, Democratic Sens. Tom Carper (DE), Ed Markey (MA) and Sheldon Whitehouse (RI) wrote Pruitt to speed the release of the draft assessment. In the letter, they said EPA concluded in the 2017 draft as it did in a 2010 draft assessment, that formaldehyde exposure can lead to leukemia, a finding that industry groups strongly oppose because it could drive significant new liabilities.

Their letter alleged that the draft formaldehyde assessment was completed "during the fall of 2017," but has yet to proceed through the regular intra-agency review process normally undertaken before the document is released for inter-agency review, public comment, and peer review. They argued that EPA has yet to release the draft document because "multiple political appointees within EPA have expressed reluctance to move the assessment through the agency review process, have repeatedly set up briefings on the assessment only to later cancel them, and/or have insisted that IRIS first set up briefings for industry stakeholders before completing agency review."

The senators named Pruitt's chief of staff Ryan Jackson, air office chief Bill Wehrum and toxics office appointee Nancy Beck as among those delaying the formaldehyde assessment's public release.

Asked about the draft assessment's status at an Aug. 1 hearing of the Senate environment committee, acting EPA Administrator Andrew Wheeler said he is reviewing the "accuracy" of the document prior to its release, issuing his first public assurance that the agency will ultimately make public the controversial review.

"I'm sure that we will release it, but I need to make sure that the science in the report is still accurate, and what I've asked, not just for that report but for everything that we're doing on the IRIS program, [is] to make sure that we know the purpose of the assessment," Wheeler said.

"So far, EPA has shared this important, tax-supported science with industry but not the public," PEER's staff counsel Kevin Bell says in a Sept. 25 statement, adding that "EPA has no legal basis for withholding reports that it has already disclosed to outside parties.

“EPA’s current leadership often talks the talk about scientific transparency, but we have yet to see them walking,” Bell said.

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